

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:16-CR-00092-MOC

UNITED STATES OF AMERICA,

Vs.

BOAKAI BOKER,

Defendant.

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ORDER

THIS MATTER is before the Court on a letter from defendant complaining about where he is being housed by the Bureau of Prisons. He contends that he has been placed at a facility used for deportable aliens, that he is not deportable as he contends he is a citizen based on his mother's naturalization,¹ and that due to his placement he is not eligible for programs like RDAP which, if completed, would reduce his sentence. He seeks relief from this Court, arguing that had he been placed in an appropriate facility, he would have been able to participate in the RDAP, which would have reduced his sentence by a year.

Review of the pleadings reveals that defendant is not housed in this district, but at McRae CI, which is located in Telfair County, Georgia, located in the Northern District of Georgia. Complaints concerning placement at a particular facility, classifications resulting in assignment to a particular facility, and determinations as to eligibility for programs available at a particular facility are not matters that can be heard by the sentencing court. Rather, those determinations are all left to the Executive Branch, in particular the Director of the Bureau of Prisons. If

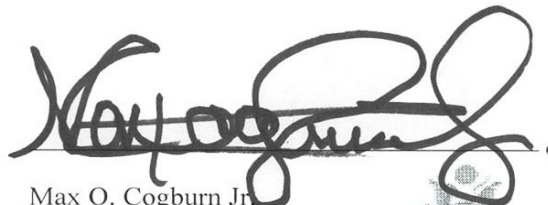
¹ The PSR indicated that defendant was a citizen of Liberia, PSR (#87) at 3, and that he became a Permanent Resident Alien in 2000. *Id.* at ¶ 80. This Court makes no determination as to defendant's citizenship status.

defendant is not satisfied with any such decision, he may -- after exhausting his administrative remedies in the BOP -- file an action under 28 U.S.C. § 2241 in the district of confinement, which is the Northern District of Georgia. This Court's jurisdiction is limited to complaints related to actions taken at federal correctional facilities in the Western District of North Carolina, of which there are none.

ORDER

IT IS, THEREFORE, ORDERED that to the extent defendant seeks relief in his letter (#122), such relief is denied without prejudice.

Signed: February 11, 2019



Max O. Cogburn Jr.
United States District Judge